

Entered on Docket

August 03, 2010

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



Signed: August 03, 2010

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ALAN JAROSLOVSKY
U.S. Bankruptcy Judge

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10 Attorneys for BANK OF AMERICA NATIONAL ASSOCIATION AS SUCCESSOR BY
11 MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE
12 FOR MORGAN STANLEY MORTGAGE LOAN TRUSTS 2006-6AR

13 UNITED STATES BANKRUPTCY COURT

14 NORTHERN DISTRICT OF CALIFORNIA - SANTA ROSA DIVISION

15 In re

16 Case No. 10-10113-AJ

17 AGUSTIN SANTANA AND MARIA
18 CHAVEZ DE SANTANA,

19 Chapter 13

20 R.S. No. MAW-1939

21 CONDITIONAL ORDER ON MOTION
22 FOR RELIEF FROM AUTOMATIC STAY

23 DATE: July 8, 2010

24 TIME: 9:00 am

25 Debtor(s). Northern District of California - Santa Rosa
26 Division
27 United States Bankruptcy Court
28 99 South "E" Street
Santa Rosa, CA 95404-6524

29
30 The above-captioned matter came on for hearing on July 8, 2010, at 9:00 AM, upon the
31 Motion of Bank of America National Association as Successor by Merger to LaSalle Bank
32 National Association, as Trustee for Morgan Stanley Mortgage Loan Trusts 2006-6AR
33 ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the
34 property of Agustin Santana and Maria Chavez de Santana ("Debtors") commonly known as
35 2607 Marlow Road, Santa Rosa, California 95403 (the "Real Property"), which is legally
36 described as follows:

1 SEE LEGAL DESCRIPTION AS EXHIBIT TO PROPOSED
2 CONDITIONAL ORDER ON MOTION FOR RELIEF FROM
3 AUTOMATIC STAY, DOCKET ENTRY NUMBER 22.

4 Appearances as noted on the record.

5 Based on the arguments of counsel, and good cause appearing therefor,

6 **IT IS HEREBY ORDERED:**

7 1. Debtors shall bring the loan completely post-petition current on or before
8 September 6, 2010, or the automatic stay of 11 U.S.C. § 362, shall be terminated;

9 2. If Debtors bring the loan completely post-petition current on or before September
10 6, 2010, Movant may restore its Motion for Relief from Automatic Stay upon a future default;

11 3. In the event the automatic stay is terminated, Movant shall be authorized to
12 foreclose its security interest in the Real Property under the terms of the Note and Deed of Trust,
13 and pursuant to applicable state law;

14 4. In the event the automatic stay is terminated, the 14-day stay provided by
15 Bankruptcy Rule 4001 (a)(3) shall be waived;

16 5. Post-petition attorneys' fees and costs for the within motion may be added to the
17 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

18 6. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant
19 may proceed in State Court for unlawful detainer pursuant to applicable state law;

20 7. In the event the automatic stay is terminated, the Chapter 13 Trustee shall cease
21 making any payments in regard to Movant's claim filed in this bankruptcy case;

22 8. Movant may offer and provide Debtors with information re: a potential
23 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss
24 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may
25 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal
liability is discharged in this bankruptcy case; and

26 9. This Order shall be binding and effective despite any conversion of this
27 bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

28 ** END OF ORDER **